GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Servants – Allegations of corruption and misappropriation of Municipal Funds by the then Municipal Commissioner and others of Eluru Municipality – Passing Forged and Falsified Bills leading to payment of Rs.7.81 lakhs from public funds to Municipal Contractor Sri J.S.C.Bose on 29.03.1995 in Eluru Municipality, West Godavari District for the works which were not executed by the Contractor – Prosecution sanction orders were issued against the Accused Officer-1 Sri K.Prahlada Rao, the then Municipal Commissioner (Retd.), Eluru Municipality – Charge Sheet filed – Accused Officer convicted by the Judgement dated 18.05.2012 of Hon'ble Court of II Additional Judicial Magistrate of 1 Class, Eluru in C.C.No.426/2003 - Imposition of punishment of withholding of pension and gratuity in full permanently against the Accused Officer-1 Sri K.Prahlada Rao, the then Municipal Commissioner (Retd.), Eluru Municipality – Orders - Issued.

MUNICIPAL ADMINISTRATION & URBAN DEVELOPMENT (VIG.I) DEPARTMENT

G.O.MS.No. 125 **Dated: 14-03-2019.**

Read the following:-

1. U.O.Note No.280/V&E-C1/95-5, dated 30.09.1995 of the General Administration (V&E-C) Department.
2. G.O.Rt.No.1165, M.A. & U.D. (L1) Department, dated 13.10.1995.
3. Govt. Memo.No.29414/L1/1995-7, dated 13.12.1995 of M.A. & U.D. (L1) Department.
4. From the Director General, Anti Corruption Bureau, A.P., Hyderabad, letter Rc.No.119/RE-EWG/95, dated 03.02.1996.
5. Govt. Memo. No.29414/L1/1995-12, dated 19.04.1997 of M.A. & U.D. (L1) Department.
6. From the Additional Director General of Police, C.I.D., A.P., Hyderabad, letter C.No.1641/C2/CID/97, dated 02.03.2002.
7. G.O.Ms.No.259, M.A., & U.D. (V1) Department, dated 04.06.2002.
8. From the Hon'ble Court of II Additional Judicial Magistrate of 1 Class, Eluru, Judgement dated 18.05.2012 in C.C.No.426/2003.

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O R D E R:

Whereas, it has been brought to the notice of the Government by the General Administration (V&E-C) Department that, on receipt of a petition from the President, Eluru Consumers Council, the V & E Department had conducted the enquiry and during the enquiry, it was revealed that the officials of the Eluru Municipality indulged in tampering of records, forgery, excess payment to the Contractor, by fabrication of bills/records etc. Some pages in M.Books and files were also found missing. The General Administration (V&E-C) Department have reported that Sri K.Prahlada Rao, the then Municipal Commissioner, Eluru Municipality was liable for criminal action and requested to place him under suspension and also requested to entrust the case to the Anti Corruption Bureau for taking further necessary action, vide reference 1st read above.

2. And whereas, in the G.O. 2nd read above, orders were issued, placing the Accused Officer-1 Sri K.Prahlada Rao, the then Municipality Commissioner, Eluru Municipality under suspension from the date of communication of the order.

3. As per the recommendations of G.A.(V&E) Department, Government have decided to entrust the case to Anti Corruption Bureau and in the reference 3rd read above, the Director General, Anti Corruption Bureau, A.P., Hyderabad was requested to conduct detailed enquiry into the alleged irregularities and send his report to the Government.

(P.T.O.)

4. In the reference 4th read above, the Director General, Anti Corruption Bureau, A.P., Hyderabad has furnished the enquiry report and reported that the enquiry reveals that the whole transaction constitute a case of criminal conspiracy resulting in defrauding the Municipality to a tune of Rs.7,81,000/- by the Accused Officer-1 Sri K.Prahlada Rao, the then Municipal Commissioner and others including Sri J.Subhash Chandra Bose, Contractor of Eluru Municipality by tampering with the records, forgery, fabrication of bills, records etc., and recommended to entrust the case C.B.C.I.D. to register a criminal case against Accused Officer-1 and others of Eluru Municipality and to file charge sheet against them under appropriation sections.

5. Government after careful examination of the report of Director General, Anti Corruption Bureau, A.P., Hyderabad, have decided to entrust the case to C.B.C.I.D., for further investigation and accordingly, in the reference 5th read above, the Additional Director General of Police, C.B.C.I.D., was requested to investigate the case in respect of the Accused Officer-1 Sri K.Prahlada Rao, the then Municipal Commissioner (Retd.) and others of Eluru Municipality and submit his report.

6. In the reference 6th read above, the Additional Director General of Police, C.I.D., A.P., Hyderabad has stated among other things and requested to issue Prosecution sanction orders against the Accused Officer-1 Sri K.Prahalada Rao, the then Municipal Commissioner and others of Eluru Municipality, so as to enable the C.I.D., to take further action, at the earliest.

7. In the reference 7th read above, orders were issued, according sanction for prosecution of the Accused Officer-1 Sri K.Prahlada Rao, the then Municipal Commissioner, Eluru Municipality in a court of law for the offences committed and punishable under Sections 120B, 420, 468 and 471 of Indian Penal Code (Central Act 45 of 1860).

8. In the reference 8th read above, the Hon'ble Court of II Additional Judicial Magistrate of 1 Class, Eluru in its Judgement dated 18.05.2012 in C.C.No.426/2003 held that—

"the Hon'ble Court of the considered opinion that the prosecution was successful in establishing the guilt of A1 (Sri K.Prahlada Rao) and A5 (Sri T.Krishna Murthy) for the offence under Section 409 IPC and the prosecution failed to establish the offence alleged against A1 and A5 for the offence under Sections 468, 471, 420 and 201 read with 34 IPC.

In the result, the Hon'ble Court find A1 and A5 guilty for the offence under Section 409 IPC., and accordingly convicted under Section 248 (2) Cr.P.C., and found not guilty for the offences under Sections 468, 471, 420 and 201 read with 34 IPC and accordingly acquitted under Section 248 (1) Cr.P.C. for the said charges.

When questioned about the quantum of sentence, A1 stated that he is aged about 75 years and he and his wife are staying alone. That their children are staying away from them. It is further stated that he has made payments only basing on the Council Resolution and he has not committed any offence and prayed for mercy. As stated that he is aged 77 years and he is suffering with old age ailments and prayed for mercy.

Upon considering the circumstances of the case and the nature of offences alleged against the A1 and A5, the Hon'ble Court of the opinion that this is not a fit case to invoke the provisions of PO Act. But considering the mercy plea of A1 and A5 and their age and the prolonged period of litigation, the Hon'ble court of the opinion that this is a fit case to take a lenient view in awarding sentence to A1 and A5.

Contnd….3.

In the result, the Hon'ble Court find A1 and A5 guilty for the offence under Section 409 IPC., and accordingly convicted under Section 248 (2) Cr.P.C., and sentenced to undergo SI for one year each and also sentenced to pay a fine of Rs.2,000/- each and in default to undergo SI for one month each. The remand period of A1 and A5 shall be given set off under Section 428 Cr.P.C. A1 and A5 are appraised about their right to prefer an appeal against the calendar and Judgement".

9. Government have examined the entire matter carefully and it has been decided to impose a punishment of withholding of pension and gratuity in full permanently against the Accused Officer-1 Sri K.Prahlada Rao, the then Municipal Commissioner (Retd.), Eluru Municipaity under Rule 9 of A.P.Revised Pension Rules, 1980, as the said Accused Officer was found guilty for the offence under Section 409 I.P.C., and accordingly convicted under Section 248(2) Cr.P.C., by the Orders of Hon'ble Court of II Additional Judicial Magistrate of 1 Class, Eluru in its Judgement dated 18.05.2012 in C.C.No.426/2003.

10. Accordingly, Government hereby order to impose a punishment of withholding of pension and gratuity in full permanently against the Accused Officer-1 Sri K.Prahlada Rao, the then Municipal Commissioner (Retd.), Eluru Municipaity under Rule 9 of A.P.Revised Pension Rules, 1980, as the said Accused Officer was found guilty for the offence under Section 409 I.P.C., and accordingly convicted under Section 248(2) Cr.P.C., by the Orders of Hon'ble Court of II Additional Judicial Magistrate of 1 Class, Eluru in its Judgement dated 18.05.2012 in C.C.No.426/2003.

11. The Director of Municipal Administration, A.P., Guntur shall take further necessary action in the matter, accordingly.

12. The receipt of G.O., shall be acknowledged.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

R.KARIKAL VALAVEN
SPECIAL CHIEF SECRETARY TO GOVERNMENT

To
Sri K.Prahlada Rao, the then Municipal Commissioner (Retd.), Eluru
Municipality **through** the Director of Municipal Administration, A.P., Guntur.
The Director of Municipal Administration, A.P., Guntur.

Copy to:

The Commissioner, Eluru Municipal Corporation, West Godavari District.
The Principal Accountant General (A&E), A.P., Vijayawada.
The Addl. Director General, C.I.D., A.P., Guntur.
The Secretary to A.P.Vigilance Commission, 5th Building, A.P. Secretariat.
SF/SCs.

//FORWARDED::BY ORDER//

SECTION OFFICER